

## REMARKS

Applicants request reconsideration of the above-identified application in light of the amendments and remarks described herein. Claims 1-38 are pending in this application. Claims 1-17, 32, and 37 have been amended.

Original patent Claims 1-16 have been noted as allowed. Applicants thank the Examiner for the notice of allowed subject matter.

Previously submitted new Claims 17-38 have been rejected. Specifically, Claims 17-38 have been rejected under 35 U.S.C. § 112, first paragraph, and Claims 17 and 19 have been rejected under 35 U.S.C. § 103(a). In addition, the drawings have been objected to under 37 C.F.R. § 1.83(a).

Applicants respectfully submit that all claims are now in condition for allowance. Accordingly, applicants request reconsideration and allowance of all claims.

### Amendments to Allowed Claims 1-16

Original patent Claims 1-16 have been amended to remove the illustrative reference numbers and correct typographical errors. Accordingly, applicants submit that Claims 1-16 remain in condition for allowance. Applicants thank the Examiner for the notice of allowed Claims 1-16.

### Amendments to Previously submitted New Claims 17, 32, and 37

Previously submitted new Claims 32 and 37 have been amended to correct typographical errors. Previously submitted new Claim 17 has been amended to overcome the § § 112 and 103 rejections, detailed below.

### Objection to the Drawings Under 37 C.F.R. § 1.83(a)

The drawings have been objected to under 37 C.F.R. 1.83(a). The Office Action states that the drawings must show every feature of the invention specified in the claims, including

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

"cooling battery" (Claim 8), "heat exchanger" (Claim 19), "electrical heater" (Claim 20), and "moisture regulating device" (Claim 21).

Applicants respectfully submit that the terms "cooling battery," "heat exchanger," "electrical heater," and "moisture regulating device" are each specific examples of gas conditioning means, as shown in the drawings as part numbers 19 and 20. Such examples of gas conditioning means are described at Col. 4, lines 20-27, of the specification. Therefore, applicants respectfully submit that the drawings need not be corrected.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Previously submitted new Claims 17-38 have been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. In that regard, the Office Action states that there is no support in the original specification for the recitation of "an inlet in communication with the outlet of the return channel and having an outlet in communication with the perforated walls of the tunnel," as recited in Claim 17.

In response, applicants have deleted the language relating to the inlet of the high-pressure chamber, the outlet of the return chamber, and the outlet of the high-pressure chamber, such that Claim 17 now recites: "a high-pressure chamber formed by walls within the housing, wherein the walls of the high-pressure chamber are separate from the walls of the housing, the high-pressure chamber in communication with the return channel and the perforated walls of the tunnel, with the gas circulation device maintaining the high-pressure chamber at a higher pressure than the return channel." This claim language is supported by the specification at Col. 3, lines 46-49, among other places: "the fan 18 then blows air into the high-pressure

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

chamber 14 thereby generating air jets from the perforations of the tunnel 11 impinging upon the objects of the conveyor belt 9 therein."

Claim Rejections Under 35 U.S.C. § 112, Second Paragraph

Previously submitted new Claims 17-38 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicants regard as the invention. Specifically, in Claim 17, the Office Action states that there is no antecedent basis for "the outlet."

Applicants respectfully submit that this rejection has been obviated by applicants' amendment to Claim 17 to delete the reference to "the outlet" (described above).

Claim Rejections Under 35 U.S.C. § 103(a)

Previously submitted new Claims 17 and 19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,462,383, issued to Henke et al. (hereinafter "Henke"), in view of European Patent No. EP 0482225 issued to Smith et al. (hereinafter "Smith"). Applicants respectfully disagree.

Henke generally describes an impingement food preparation apparatus. Referring to Figure 2 of Henke, heated air is recirculated within cabinet assembly 20, as follows:

Initially, heated, high velocity air at a temperature of approximately 500° is jetted through jet plate openings 222 of fingers 210 to cooking chamber 254 for direct impingement on the bottom and top of a food product carried by conveyor assembly 60. After impinging the food product, the air flow circulates between fingers 210 into return chamber 256, from which it is drawn by impeller 302 through passageway 202, 204, into heating chamber 308. The recirculated air is then reheated within heating chamber 308 and rapidly drawn through passageway 306 to plenum chamber 200.

(Henke, Col. 14, lines 19-30.) The interior of cabinet assembly 20 is accessible by door assembly 82. (Henke, Col. 7, lines 12-13.) The door assembly 82, however, is not a part of the walls forming plenum chamber 200.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Smith generally describes a forced convection tunnel oven. Referring to Figure 3 of Smith, front wall 16 of the cabinet is provided with door 36, and back wall 18 is provided with door 38. (Smith, Col. 5, lines 19-20.) Two generally vertically disposed plenums 52 and 54 are formed adjacent the back wall 18 of the cabinet. The first plenum 52 is formed between vertical walls 45 and 46, and the second plenum 54 is formed between vertical walls 46 and back wall 18. (Smith, Col. 5, lines 27-32.) Thus, the second plenum 54 is accessible via door 38.

Air is recirculated within the cabinet as described at Col. 6, line 56, to Col. 7, line 6, of Smith:

A fan or blower 60 is rotatably disposed in chamber 30 and is driven by a variable speed blower motor 65 mounted on top wall 20.

A plurality of horizontally spaced upper air dispensing ducts 70 are secured to spaced openings 72 which communicate with the interior of plenum 52 for dispensing air delivered through plenum 52 onto the upper surface of food products 35 carried by conveyor 40 [*sic*]. A plurality of lower plenums 80 are spaced longitudinally of cooking compartment 14 and communicate with openings 82 in wall 46 of plenum 54 such that air flowing through plenum 54 enters lower dispensing ducts 80 and is dispensed onto the lower surface of food products 35 carried on conveyor 30.

As described in this passage, the air dispensing ducts 70 and 80 are in communication with, respectively, plenums 52 and 54 for dispensing air from above and below the conveyor 30.

The Office Action states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the chamber of Henke with a chamber in the manner suggest by Smith, with at least one substantially vertical part of the walls forming the chamber being removable in order to provide access to the inside of the pressure chamber. Applicants disagree.

To establish a case of obviousness, the prior art references must teach or suggest all of the claim limitations.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Claim 17, as currently amended, recites an apparatus for gas treatment of products having a high-pressure chamber formed by walls within the housing, *wherein the walls of the high-pressure chamber are separate from the walls of the housing*, the high-pressure chamber in communication with the return channel and the perforated walls of the tunnel, with the gas circulation device maintaining the high-pressure chamber at a higher pressure than the return channel. Claim 17 further recites at least one substantially vertical part of the walls forming the high-pressure chamber being removable so as to provide access to the inside of the high-pressure chamber. This claim language is supported by the specification at Col. 3, lines 14-59, among other places.

Applicants submit that Henke and Smith, either alone or in combination, fail to teach or suggest each and every element of Claim 17. The Office Action admits that Henke fails to teach or suggest a plenum chamber being a high-pressure chamber formed by walls and at least one substantially vertical part of the walls forming the high-pressure chamber being removable. Applicants agree with this admission because the door assembly 82 described in Henke does not form any part of the walls forming the plenum chamber 200 of Henke.

Applicants further submit that Smith fails to cure the deficiencies of Henke. Specifically, Smith fails to teach or suggest "a high-pressure chamber formed by walls within the housing, wherein the walls of the high-pressure chamber are separate from the walls of the housing, . . . at least one substantially vertical part of the walls forming the high-pressure chamber being removable so as to provide access to the inside of the high-pressure chamber," as recited in Claim 17. While Henke may disclose that second plenum 54 is accessible via vertical door 38 that is part of the housing (or cabinet), Henke fails to teach or suggest removable walls of a high-pressure chamber that are separate from the walls of the housing. For at least this reason, Claim 17 is nonobvious over Henke in view of Smith.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

Accordingly, applicants respectfully request withdrawal of the rejections of Claim 17 and Claim 19 depending therefrom.

Delineation of Claim Amendments

Applicants note that currently pending Claim 1-38 are generally directed to subject matter previously presented in original patent Claims 1-16. Original patent Claims 1-16, and previously submitted new Claims 32 and 37 have been amended to remove the illustrative reference numbers and/or correct typographical errors. Previously submitted new Claim 17 has been amended to overcome the § 112 and 103 rejections described above.

Marked-up versions of previously submitted new Claims 17, 32, and 37, specifically delineating the changes made, are provided as follows:

17. An apparatus for gas treatment of products, comprising a housing having top, bottom and side walls;

a conveyor belt for transporting the products along a path in the housing [[,] ] ;

a tunnel having perforated walls and enclosing the conveyor belt along the path;

a gas circulation device communicating with the tunnel via the perforated walls for circulating gas into the tunnel in the form of gas jets impinging upon the products carried by the conveyor belt, and out of the tunnel in a return channel back to the gas circulation device;

a gas conditioning device for conditioning the gas circulated by the gas circulation device;

a ~~high-pressure~~ high-pressure chamber formed by walls within the housing, wherein the walls of the high-pressure chamber are separate from the walls of the housing, the high-pressure high-pressure chamber having an inlet in communication with the outlet of the return channel and having an outlet in communication with the perforated walls of the tunnel, with the gas

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100

circulation device maintaining the ~~high-pressure~~ high-pressure chamber at a higher pressure than the return channel; and

at least one substantially vertical part of the walls forming the high-pressure chamber being removable so as to provide access to the inside of the high-pressure chamber.

32. An apparatus for gas treatment of products as claimed in Claim 31, wherein the side walls of the housing ~~comprises~~ comprise at least two adjoining sections.

37. An apparatus for gas treatment of products as claimed in Claim 36, wherein the side walls of the housing ~~comprises~~ comprise at least two adjoining sections.

Support for each of the above-identified claims is identified in a document submitted concurrently herewith pursuant to 37 C.F.R. § 1.173(c) entitled "STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES TO THE CLAIMS MADE PURSUANT TO AMENDMENT."

#### CONCLUSION

In view of the foregoing amendments and remarks, applicants respectfully submit that the present reissue application is in condition for allowance. The Examiner is invited to contact the undersigned with any remaining questions or concerns.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Emily C. Peyser  
Registration No. 59,844  
Direct Dial No. 206.695.1634

ECP:cj

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206 682 8100

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: J. Malmberg et al. Attorney Docket No.: FRAB122492  
Application No.: 10/798,251 Art Unit: 1761 / Confirmation No: 4198  
Filed: March 11, 2004 Examiner: T.F. Simone  
Title: APPARATUS FOR GAS TREATMENT OF PRODUCTS

STATEMENT OF STATUS AND SUPPORT FOR ALL CHANGES

TO THE CLAIMS MADE PURSUANT TO AMENDMENT

TO THE COMMISSIONER FOR PATENTS:

In an amendment submitted concurrently herewith, applicants have amended Claims 1-17, 32, and 37. Original patent Claims 1-16 have been amended to remove the illustrative reference numerals and correct typographical errors. Previously submitted new Claims 32 and 37 have also been amended to correct typographical errors. Previously submitted new Claim 17 has been amended to overcome the §§ 112 and 103 rejections in the outstanding Office Action.

Claims 1-38 remain pending in this application, of which original patent Claims 1-16 have been indicated as allowed. Previously submitted new Claims 17, 32, and 37, which are all new claims relative to the prior issued patent claims, are supported by the specification as indicated below.

<b>Claim</b>	<b>Explanation of Support in the Disclosure of U.S. Patent No. 6,354,196</b>
1	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
2	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
3	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
4	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>LLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206.682.8100



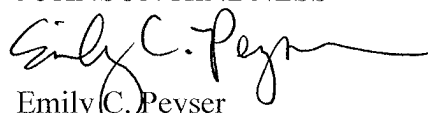
<b>Claim</b>	<b>Explanation of Support in the Disclosure of U.S. Patent No. 6,354,196</b>
5	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
6	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
7	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
8	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
9	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
10	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
11	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
12	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
13	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
14	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
15	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
16	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
17	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
18	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
19	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
20	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
21	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
22	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
23	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
24	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
25	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
26	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
27	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.

<b>Claim</b>	<b>Explanation of Support in the Disclosure of U.S. Patent No. 6,354,196</b>
28	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
29	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
30	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
31	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
32	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
33	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
34	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
35	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
36	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
37	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.
38	FIGURES 1-3 and Col. 2, line 46, to Col. 4, line 28, among other places.

The Examiner is invited to contact the undersigned with any remaining questions or concerns.

Respectfully submitted,

CHRISTENSEN O'CONNOR  
JOHNSON KINDNESS<sup>PLLC</sup>



Emily C. Peyser

Registration No. 59,844

Direct Dial No. 206.695.1634

ECP:mgp

LAW OFFICES OF  
CHRISTENSEN O'CONNOR JOHNSON KINDNESS<sup>PLLC</sup>  
1420 Fifth Avenue  
Suite 2800  
Seattle, Washington 98101  
206 682 8100